
Publish date:
4/8/14

WQC number: 913-5017-WQC-1

Public Notice

Closing Date:
5/7/14

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Armstrong Coal Company
Mailing Address: 407 Brown Road
Madisonville, KY 42431
Contact Person: Dennis Massoth, P.E.
Telephone No: (270) 821-0987
E Mail Address: dmassoth@armstrongcoal.com

2. **Consultant Name & Address:** Rick Liggett, Wetland Services, 3880 Trigg
Turner Rd. Corydon, KY 42406

Telephone No. (270) 454-0900
E Mail Address: rl@wetlandservices.net

3. **Provide a brief description of the proposed activity and stream impact.**
Develop a 127 acre underground mine operation and associated surface facilities in Union County Kentucky (#9 Mine Permit). The project will impact 1752' of intermittent and 577' of ephemeral stream. There will also be impacts to 1.7 acres of PEM wetlands and 0.6 acres of open water.

4. **Project Location Information:**

County Union **USGS Quadrangle Name** Sturgis, KY

Nearest Community & Road Intersection: Pride, KY SR 141 and SR 270

Latitude 37.54650 **Longitude** -87.89959 (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:** Unnamed tributaries of Smith Ditch

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Drainage area for Intermittent Stream 4AS1 is 114 acres

Drainage area for Ephemeral Stream 4AS1A is 20.6 acres

Drainage area for PEM Wetlands and open water is 29 acres

Drainage area for Ephemeral Stream 1AS1 (not to be impacted) is 34.6 acres

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

A list of each stream and its proposed impact is noted in the "Alternatives Analysis Table" in the IP Application. In summary, there are impacts to one intermittent stream totaling 1752', and one ephemeral stream totaling 577'.

8. Provide the acreage of wetlands that would be impacted: 1.7 acres (total)

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the intersection of SR 141 and SR 270, travel approximately 0.25 miles east on SR 270 to (N37.54279, W87.89945). The site can be accessed from this location.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____

NW 50 ____ Individual X Other _____

**11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 913-5017, KPDES No. KYG046846**

12. The following attachments must be provided:

a. IP Application, including Proposed Stream and Wetland Mitigation, "Macroinvertebrate & Fish Bioassessment Report", and "Threatened and Endangered Species Assessment"

b. A watershed map showing all ponds and wetlands to scale, with all intermittent, and ephemeral stream reaches clearly identified.

c. A 7.5 minute topographic map delineating the proposed project area.

List all other plans and profiles included with this application:

"Stream Habitat Assessment and Wetland Delineation Report (JD Report)", stream and mitigation plans, Cumulative Impact Analysis, and 404 Individual Permit application.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

Denise Masoch PE, Date: 3/10/14
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**

